

## UNITED STATES DISTRICT COURT

for the  
District of South Carolina

Kevin Wayne McDaniels,

*Plaintiff*

v.

Civil Action No. 1:12-cv-00006-TMC

Richland Co. Public Defenders Office;  
 Richland Co. Solicitors Office; Honorable Judge  
 Cooper; Richland Co. Sheriff's Dept.; Sgt.  
 McDaniels, Richland Co Sheriff; William Byars, Jr.,  
 Director of SCDC ; B.J. McKie, Warden at Kirkland  
 C.I.; Monica Counts, SCDC State Classification;  
 Tim Riley, Warden at Tyger River C.I.; Greenville  
 Co. Sheriff's Office; Mary Fields, Homicide  
 Detective Greenville Co. Sheriffs Dept.; Benjamin T.  
 Stepp, Federal Public Defender; AUSA A. Lance  
 Crick, Federal Prosecutor Greenville SC; Honorable  
 Henry F. Floyd, U S Magistrate Judge; US Dept of  
 Justice, Alcohol, Tobacco, Firearms & Explosives;  
 Randal Beach, ATF Special Agent; Eric Holder, Jr.,  
 U.S. Attorney General; Lexington Co. Sheriff's  
 Dept.; Nikki Haley, Governor of South Carolina;  
 Chris Florian, SCDC Deputy General Counsel; Alan  
 Wilson, SCDC Attorney General; Kevin Owens,  
 Attorney at Law; Barry Barnett, Spartanburg Co.  
 Chief Solicitor; Robert B. Hall, Attorney at Law;  
 Richard B. Ives, Warden USP McCreary; D.B. Drew,  
 Warden at USP Low Coleman; Terry O'Brien,  
 Warden at USP Hazelton; Matthew Zagula, PA at  
 USP McCreary; RT Lowry, MD at USP McCreary;  
 A. Bryant, PA at USP McCreary; Neil Stephens, RN  
 at USP McCreary; J. Vazquez, MD at USP Coleman;  
 Edgar Morales, MLP at USP Low Coleman; Walter  
 Dobushak, at USP Hazelton; Mr. Crawford, MD PA  
 at FCI Williamsburg; Irwin Fish, MD PA at FCI  
 Williamsburg; Dr. Massa, MD PA at FCI  
 Williamsburg; Dr. Loranth, MD PA at FCI  
 Williamsburg; Mrs. Brown, PA LPN pharmacist at  
 Williamsburg; Toumey Regional Medical Center;  
 Palmetto Richland Memorial Hospital; Baptist  
 Regional Medical Ctr; Chuck Wright, Spartanburg  
 Co Sheriff Dept Director; Tim Tucker, Sheriff of  
 Spartanburg County; Detective Easler, Spartanburg  
 County Sheriff; Dr. Beinor, Direrctor of SCDC  
 Health Services, being sued in their individual and  
 official capacity,

*Defendant***JUDGMENT IN A CIVIL ACTION**The court has ordered that (*check one*):

☐ the plaintiff (*name*) \_\_\_\_\_ recover from the defendant (*name*) \_\_\_\_\_ the amount of \_\_\_\_\_ dollars (\$\_\_\_),  
 which includes prejudgment interest at the rate of \_\_\_\_ %, plus postjudgment interest at the rate of \_\_\_\_ %, along with  
 costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) \_\_\_\_\_

recover costs from the plaintiff (*name*) \_\_\_\_\_.

■ other: the plaintiff, Kevin Wayne McDaniels, shall take nothing of the defendants, Richland County Public Defenders Office, Richland County Solicitor's Office, Honorable Judge Cooper, Richland County Sheriff's Dept., Sgt. McDaniels, William Byars, Jr., B.J. McKie, Monica Counts, Tim Riley, Greenville County Sheriff's Office, Mary Fields, Benjamin T. Stepp, AUSA A. Lance Crick, Honorable Henry F. Floyd, US Dept of Justice Alcohol, Tobacco, Firearms & Explosives, Randal Beach, Eric Holder, Lexington County Sheriff's Dept., Nikki Haley, Chris Florian, Alan Wilson, Kevin Owens, Barry Barnett, Robert Hall, Richard B. Ives, D.B. Drew, Terry O'Brien, Chuck Wright, Tim Tucker, Detective Easler, Toumey Regional Medical Center, Palmetto Richland Memorial Hospital, Baptist Regional Medical Center, and Dr. Beinor, as to the complaint filed pursuant to 42 U.S.C. §1983 and the action as to these defendants is dismissed without prejudice.

■ other: Summary judgment is hereby entered for the defendants; Matthew Zagula, A. Bryant, Neil Stephens, J. Vazquez, Edgar Morales, Walter Dobushak, Mr. Crawford, Irwin Fish, Dr. Massa, Dr. Loranth, and Mrs. Brown. The plaintiff, Kevin Wayne McDaniels, shall take nothing of the defendants as to the complaint filed pursuant to 42 U.S.C. §1983 and this action is dismissed with prejudice.

■ other: the plaintiff, Kevin Wayne McDaniels, shall take nothing of the defendant, RT Lowery, as to the complaint filed pursuant to 42 U.S.C. §1983 and the action as to this defendant is dismissed with prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

This action was (*check one*):

☐ tried by a jury, the Honorable \_\_\_\_\_ presiding, and the jury has rendered a verdict.

☐ tried by the Honorable \_\_\_\_\_ presiding, without a jury and the above decision was reached.

■ decided by the Honorable Terry L. Wooten, Chief United States District Judge, presiding, in the order dated 5/2/2012, which adopted the Report and Recommendation set forth by the Honorable Shiva V. Hodges, United States Magistrate Judge, which dismissed the action without prejudice.

■ decided by the Honorable Terry L. Wooten, Chief United States District Judge, presiding, in the order dated 10/24/2012, which adopted the Report and Recommendation set forth by the Honorable Shiva V. Hodges, United States Magistrate Judge, which granted defendants' motion for summary judgment.

■ decided by the Honorable Timothy M. Cain, United States District Judge, presiding, adopting the Report and Recommendation set forth by the Honorable Shiva V. Hodges, United States Magistrate Judge, which dismissed the action against defendant RT Lowery with prejudice for failure to prosecute.

Date: March 14, 2013

LARRY W. PROPES, CLERK OF COURT

s/A. Buckingham

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*Signature of Clerk or Deputy Clerk*

